

REMARKS/ARGUMENTS

Claims 13 and 27 have been amended. No new matter has been added. Claims 13-40 remain in the application.

Double Patenting Rejection

Claims 13 and 27 were rejected under obviousness-type double patenting as being unpatentable over claim 13 and 30 respectively of U.S. Patent application no. 10/776505 (Rappaport '505) and U.S. Pent No. 6,509,906 (Awe).

A terminal disclaimer is included with this response. This terminal disclaimer overcomes the double patenting rejection based on U.S. Patent Application No. 10/776505 and U.S. Patent 6,509,906. As such, the double patenting rejection of claims 13 and 27 is overcome.

Claims Rejections – 35 USC 112

Claims 13-40 are objected to under 35USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as it is unclear how the “or” should be interpreted.

Claim 13 has been amended to recite:

using a computer for creating and formatting, and editing or manipulating one or more objects defining an environment in which an in-building or campus communications network may be deployed, said environment having at least one of floors, walls, partitions, buildings, building complexes or compounds, terrain, foliage, or other sites or obstructions;

Claim 27 has been amended to recite:

computer implemented means for creating and formatting, and editing or manipulating one or more objects defining an environment in which an in-building or campus communications network may be deployed, said environment having at least one of floors, walls, partitions, buildings, building complexes or compounds, terrain, foliage or other sites or obstructions;

Applicant believes these amendments address the Examiner's comment pertaining to the use of “or” and respectfully request that the rejection now be withdrawn.

Claim rejections under 35 U.S.C. 103(a)

Claims 13-16, 18-19, 21-30, 31-33 and 35-40 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,337,149 issued to Kozah et al (Kozah), in view of U.S. Patent No. 6,509,906 issued to Awe et al (awe hereafter). Claims 17, 20, 31 and 34 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,337,149 issued to Kozah et al (Kozah), in view of U.S. Patent No. 6,509,906 issued to Awe et al (Awe hereafter), further in view of U.S. Patent No. 5,091,869 issued to Ingram et al (Ingram).

Applicant amends in part and traverses in part. The claims, as amended above, are believed to be non-obvious. Neither of the cited references taken individually or combined teach that which is claimed by applicant's invention.

As the Examiner concedes, the Kozah reference does not teach "grouping" and Kozah does not teach generating a drawing or formatted data of a computer representation. Applicant further points out that the Kozah reference must acquire on-site measurements at a local site using a distance measuring device 12 (camera) in an adjacent room hardwired to a computer. No such requirement exists in applicant's invention. When Kozah's distance measuring device 12 is "static" it must be mounted on a tripod or be stationary; when Kozah's measuring device is a "free-floater" it may be hand-held or tripod mounted; when Kozah's measuring device is a "semi-free floater" it includes a wand of a known length. Applicant's claims are not directed to acquiring on-site measurements at a specific location, and as such the Kozah reference is not applicable to Applicant's invention.

Applicant asserts that the Kozah reference is directed towards the acquisition of measurements as opposed to creating and formatting, and editing or manipulating one or more objects defining an environment. While the Examiner stated that Kozah "edits features afterward" (page 6 of Office Action), Applicant points out that Kozah merely teaches that the "user may edit the window or display the window in a different viewing mode" (col. 8, lines 49-53). Once an element is created and displayed by Kozah, the user is limited to checking the element's validity (col. 8, lines 54-55) – and if needed, the user takes another measurement using the measuring device. This is not the equivalent of creating and formatting, and editing or manipulating one or more objects defining an

environment ...” The entire Kozah reference is directed to measuring elements from a specific location 70 (or new measuring location 96) which requires moving measuring device 12 to take each measurement (col. 8, lines 62-64).

Furthermore, since Kozha is limited to taking actual real-time measurements at a specific location, there would be no incentive or motivation to transport at least one formatted drawing or at least one formatted data containing one or more objects to another application. Again, the purpose of Kozah is to acquire valid, real-time measurements at a given location, and as such there is no incentive for Kozah to group objects into an editable layer. Kozah does not edit measurements of objects, Kozah takes more measurements. Accordingly, there would be no motivation for Kozah to use the teachings of Awe.

Accordingly, applicant respectfully request reconsideration of claims 13 and 27. The remaining claims provide further limitations to what are believed to be allowable claims and as such are also in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant’s attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117,
Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

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